

so, in which degree of relationship; seventh, if ever divorced; which facts upon the payment of one dollar (\$1.00) as an application fee shall be set out in printed form to be signed by the person making the application, and no such license to marry shall be delivered by the clerk until after the expiration of Forty-eight (48) hours from the time application is made therefor; provided, however, that any judge of the Circuit Court of the county in which the application is made or, if made in Baltimore City, any judge of the Court of Common Pleas, for good and sufficient cause shown, may, by an order in writing signed by him, authorize the clerk to deliver such license at any time after the application therefor. It shall be unlawful for the clerks of any of the courts aforesaid to make public the fact of an application for a marriage license until such license shall have been issued.<sup>1</sup>

A marriage procured through fraud may be vacated. What amounts to fraud. Marriage annulled. Jurisdiction. *Corder v. Corder*, 141 Md. 118.

Indictment for perjury under this section, upheld. *State v. Floto*, 81 Md. 601.

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1865, ch. 130. 1866, ch. 102. 1882, ch. 357. 1886, ch. 497.

6. The clerk of each of said courts shall procure and keep a suitable and well-bound book in his office and among his records to be called "The Marriage License Book," in which he shall make a complete record of the issuing of said license and all the matters which he shall be required to ascertain relative to the rights of said parties to obtain said license, in which record shall appear in regular order the items testified to by the applicants for the marriage license as above set forth; and the names of each of the contracting parties shall be properly indexed; and upon the return of the certificate aforesaid it shall appear in said record when the same was filed and the name of the minister, or other person or persons by whom the ceremony was performed.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1886, ch. 497. 1920, ch. 549, sec. 7. 1939, ch. 728, sec. 7.

7. It shall be unlawful within this State for any female below the age of sixteen years or any male below the age of eighteen years to marry, or for a parent to permit any such female or male to marry, except on the certificate of a licensed physician, which shall be presented with the application for the marriage license, to the effect that the girl is pregnant, or for any female between the ages of 16 and 18 years, or for any male under the age of twenty-one years, to marry unless the parent or guardian of such male or female, in person or by signed affidavit, assent thereto, and, in the case of a female, swear or affirm that she is over the age of sixteen years, and in the case of a male, swear or affirm that he is over the age of eighteen years.

Cited in dissenting opinion in *Lurz v. Lurz*, 170 Md. 435.

Cited but not construed in *State v. Davis*, 70 Md. 240.

See notes to sec. 5.

1939, ch. 728, sec. 7A.

8. When either of the contracting parties is known to be within the provisions of the preceding section, it shall be the duty of any Clerk of the Court, before issuing a license, or of any minister, before performing a

<sup>1</sup> On petition under Art. 16 of the Const. of Md. this section was referred to the voters at the election Nov. 8, 1938 and adopted.